Liability Issues and Venue/Event Operations

Chapter 15

Management Contexts, Relevant Laws, and Cases

Management Context	*Major Legal Issues*	*Relevant Law*	*Illustrative Cases*
Maintenance of sport/ recreation facility	Determining duty owed to person on property	Negligence law	
		Open and obvious danger	*Krzenski*
	Defenses in premises liability case	Distraction doctrine	*Lowe, Harting*
Owner of unimproved land	Recreational use statute	State statutes	*Lee*
Sport/recreation facility planning	Duties to invitees to design facility safely	Negligence law	
Facility maintenance/ operation	Duty to warn	Negligence law	
	Duty to inspect		
	Duty to repair dangers		
Facility operation	Duty to provide emergency medical assistance	Negligence law	
		AED statutes	*Limones, Miglino*
Game/event management	Spectator injuries/crowd control	Foreseeability	*Bearman*
		Prior similar incidents rule	*Stow*
	Spectators injured by players	Negligence law	
	Spectator hit by projectile	Limited duty rule	*Coomer, Reed-Jennings, Southshore Baseball, Rountree*
		Assumption of risk	

General Principles of Premises Liability

- Duty of care to property users is usually based on the legal status of users:
  - Invitee
  - Licensee
  - Trespasser
- Defenses available in products liability cases:
  - Danger is open and obvious
  - Recreational Use statutes

Duties Owed to Invitees

Design a safe facility

Warn of hidden dangers

Inspect

Repair damages

Provide emergency medical assistance

Competitive Advantage Strategies Premises Liability

Duty to inspect

- Develop an inspection protocol; use checklists.
- Ensure inspectors are properly trained.
- Perform inspections as necessary based on facility type and use.

Duty to repair damages

- Develop a system for reporting dangerous conditions.
- Make sure warning signs are in plain view and legible.

Duty to provide medical assistance

- Develop program to manage program, maintain devices and review.
- Know AED requirements in your state.
- Develop AED program w/ medical personnel.
- Ensure employees are trained properly on AED.
- Integrate AED use into emergency protocol.

Spectator Injuries

Spectators are usually invitees.

Owner has duty of reasonable care.

Areas of concern:

- Crowd control
- Injuries related to alcohol consumption
- Injuries caused by projectiles, and other injuries

Crowd Control

- Owners are responsible for various dangers:
  1. Dangers of which they have *actual knowledge*
  2. Dangers on the basis of *constructive knowledge*
  3. Dangers that could be *foreseen*
- Zero tolerance policies for bad behavior.

Competitive Advantage Strategies
Crowd Control

01

Develop crowd control plans based on factors specific to a particular contest.

02

Use available information to determine what crowd behaviors may be foreseen.

03

At football games, consider controlling fans' access to goalposts.

04

Consider having parents (of children participating in youth sports) sign an agreement to cheer only in ways that are positive and support good sportsmanship.

Injuries Due to Alcohol Consumption

- Tailgating and alcohol consumption
- Some misbehavior is foreseeable
- Dram shop acts: Liability against commercial establishments that serve alcohol to minors or those who are visibly intoxicated

Competitive Advantage Strategies

Alcohol Consumption

- Develop policies regarding tailgating and the serving of alcohol.
- Do not allow patrons to return to the parking lot to continue tailgating
- Enforce all alcohol management policies consistently and fairly.
- Educate patrons regarding responsible drinking.
- Give incentives to designated drivers.
- Select a concessionaire with a strong safety record using recognized training techniques

Injuries Caused by Projectiles

Limited duty rule

Pre-game, post game activities vs. during play

Competitive Advantage Strategies
Injuries by Projectiles from Playing Area

- Ensure patrons who wish to be seated in protected areas are given the opportunity
- Make sure mascots do not distract patrons from playing area during live play
- Make sure patrons are protected from foul balls while purchasing concessions